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CONSTITUTIONS FOR VIRGIN ISLANDS AND GUAM: ESTABLISHMENT; CONGRESSIONAL AUTHORIZATION

Pub. L. 94-584, Oct. 21, 1976, 90 Stat. 2899, as amended by Pub. L. 96-597, title V, §501, Dec. 24, 1980, 94 Stat. 3479; Pub. L. 111-194, §2, June 30, 2010, 124 Stat. 1310, provided:

“[Section 1. Authorization to organize governments] That the Congress, recognizing the basic democratic principle of government by the consent of the governed, authorizes the peoples of the Virgin Islands and of Guam, respectively, to organize governments pursuant to constitutions of their own adoption as provided in this Act.

“SEC. 2. [Constitutional conventions and draft provisions] (a) The Legislatures of the Virgin Islands and Guam, respectively, are authorized to call constitutional conventions to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands and Guam.

“(b) Such constitutions shall—

“(1) recognize, and be consistent with, the sovereignty of the United States over the Virgin Islands and Guam, respectively, and the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands and Guam, respectively, including, but not limited to, those provisions of the Organic Act [section 1405 et seq. of this title] and Revised Organic Act of the Virgin Islands [this chapter] and the Organic Act of Guam [section 1421 et seq. of this title] which do not relate to local self-government.

“(2) provide for a republican form of government, consisting of three branches: executive, legislative, and judicial;

“(3) contain a bill of rights;

“(4) deal with the subject matter of those provisions of the Revised Organic Act of the Virgin Islands of 1954, as amended, and the Organic Act of Guam, as amended, respectively, which relate to local self-government;

“(5) with reference to Guam, provided that the voting franchise may be vested only in residents of Guam who are citizens of the United States;

“(6) provide for a system of local courts consistent with the provisions of the Revised Organic Act of the Virgin Islands, as amended; and

“(7) provide for the establishment of a system of local courts the provisions of which shall become effective no sooner than upon the enactment of legislation regulating the relationship between the local courts of Guam with the Federal judicial system.

“SEC. 3. [Selection and qualification of members] The members of such constitutional conventions shall be chosen as provided by the laws of the Virgin Islands and Guam, respectively (enacted after the date of enactment of this Act [Oct. 21, 1976]): *Provided, however*, That no person shall be eligible to be a member of the constitutional conventions, unless he is a citizen of the United States and qualified to vote in the Virgin Islands and Guam, respectively.

“SEC. 4. [Submittal of proposed constitutions to governors and President] The conventions shall submit to the Governor of the Virgin Islands a proposed constitution for the Virgin Islands and to the Governor of Guam a proposed constitution for Guam which shall comply with the requirements set forth in section 2(b) above. Such constitutions shall be submitted to the President of the United States by the Governors of the Virgin Islands and Guam.

“SEC. 5. [Transmittal to Congress and submittal to voters] (a) Within sixty calendar days after the respective date on which he has received each constitution, the President shall transmit such constitution together with his comments to the Congress.

“(b) The constitution, in each case, shall be deemed to have been approved by the Congress within 60 legislative days after its submission by the President, unless prior to that date the Congress has approved the constitution, or modified or amended it, in whole or in part, or has urged the constitutional convention to reconvene, by joint resolution.

“(c) REVISION OF PROPOSED CONSTITUTION.—

“(1) IN GENERAL.—If a convention reconvenes and revises the proposed constitution, the convention shall resubmit the revised proposed constitution simultaneously to the Governor of the Virgin Islands and the President.

“(2) COMMENTS OF PRESIDENT.—Not later than 60 calendar days after the date of receipt of the revised proposed constitution, the President shall—

“(A) notify the convention, the Governor, and Congress of the comments of the President on the revised proposed constitution; and

“(B) publish the comments in the Federal Register.

“(d) As so approved or modified under subsection (b) (or, if revised pursuant to subsection (c), on publication of the comments of the President in the Federal Register), the constitutions shall be submitted to the qualified voters of the Virgin Islands and Guam, respectively, for acceptance or rejection through islandwide referendums to be conducted as provided under the laws of the Virgin Islands and Guam, respectively, (enacted after the date of enactment of this Act) [Oct. 21, 1976].

“(e) Upon approval by not less than a majority of the votes (counting only the affirmative or negative votes) participating in such referendums, the constitutions shall become effective in accordance with their terms.”

[Pub. L. 94-584 is also set out as a note preceding section 1391 of this title.]

SUBCHAPTER I—GENERAL PROVISIONS

§ 1541. Organization and status

(a) Composition and territorial designation

The provisions of this chapter and the name “Virgin Islands” as used in this chapter, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are declared an unincorporated territory of the United States of America.

(b) Powers and legal status of government; capital and seat of government

The government of the Virgin Islands shall have the powers set forth in this chapter and shall have the right to sue by such name and in cases arising out of contract, to be sued: *Provided*, That no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by subchapter III of this chapter.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

(c) Administrative supervision by Secretary of the Interior

The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency shall be under the general administrative supervision of the Secretary of the Interior.

(July 22, 1954, ch. 558, §2, 68 Stat. 497; Pub. L. 90-496, §13, Aug. 23, 1968, 82 Stat. 842.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this Act”, meaning act July 22, 1954, ch. 558, 68 Stat. 497, as amended, known as the Revised Organic Act of the Virgin Islands, which enacted this chapter, amended sections 104 and 111 of Title 21, Food and Drugs, and section 3350 of former Title 26, Internal Revenue Code (see section 7652(b)(3) of Title 26), and enacted provisions set out as notes under this section. For complete classification of this Act to the Code, see Short Title note below and Tables.

AMENDMENTS

1968—Subsec. (c). Pub. L. 90-496 added subsec. (c).

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment of provisions of section necessary to authorize the holding of an election for Governor and Lieutenant Governor on Nov. 3, 1970, effective Jan. 1, 1970, and all other amendments of provisions of section, unless otherwise expressly provided by Pub. L. 90-496, effective Jan. 4, 1971, see section 16 of Pub. L. 90-496, set out as a note under section 1591 of this title.

EFFECTIVE DATE

Section 34 of act July 22, 1954, provided: “This Act [see Short Title note below] shall take effect upon its approval [July 22, 1954], but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin Islands in office on the date of its enactment [July 22, 1954].”

SHORT TITLE OF 1968 AMENDMENT

Section 17 of Pub. L. 90-496 provided that: “This Act [enacting section 336 of Title 10, Armed Forces, amending this section and sections 1561, 1572, 1573, 1574, 1575, 1591, 1593, 1595, 1597, 1599, and 1641 of this title, repealing sections 1594, 1596, and 1632 of this title, and enacting provisions set out as a note under section 1591 of this title] may be cited as the ‘Virgin Islands Elective Governor Act’.”

SHORT TITLE OF 1959 AMENDMENT

Pub. L. 86-289, §1, Sept. 16, 1959, 73 Stat. 568, provided: “That this Act [amending sections 1573, 1597, and 1617 of this title] may be cited as the ‘Virgin Islands Organic Act Amendments of 1959’.”

SHORT TITLE

Section 1 of act July 22, 1954, provided that: “This Act [enacting this chapter, amending sections 104 and 111 of Title 21, Food and Drugs, and sections 3350 of former Title 26, Internal Revenue Code (see section 7652(b)(3) of Title 26), and enacting provisions set out as notes under this section] may be cited as the ‘Revised Organic Act of the Virgin Islands’.”

SEPARABILITY

Section 36 of act July 22, 1954, provided: “If any clause, sentence, paragraph, or part of this Act [see